

ORAL ARGUMENT SCHEDULED JULY 12, 2017

NO. 15-72570

IN THE UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DIGNITY HEALTH

Petitioner,

v.

**SURFACE TRANSPORTATION BOARD;
UNITED STATES OF AMERICA,**

Respondents,

**CALIFORNIA HIGH-SPEED RAIL
AUTHORITY,**

Intervenor.

**APPELLANT’S MOTION TO
VOLUNTARILY DISMISS APPEAL**

Pursuant to Federal Rule of Appellate Procedure, Rule 42(b) and the terms of the Settlement Agreement between Petitioner Dignity Health and Intervenor California High-Speed Rail Authority dated June 26, 2017, Petitioner Dignity

Health respectfully moves the Court for an order dismissing the above captioned appeal.

This motion concerns Appeal No. 15-72570 only and does not affect the pending appeal in No. 15-71780, *Kings County, et al., v. Surface Transportation Board*, with which the above captioned appeal is consolidated.

Counsel for Petitioner has contacted Respondents Surface Transportation Board and the United States, who does not intend to oppose this motion. (See, concurrently filed *Declaration of Michael J. Stump in Support of Motion for Voluntary Dismissal*.)

Petitioner and Intervenor have agreed in their Settlement Agreement that Intervenor shall bear Petitioner's costs and fees. Respondents shall bear their own costs and fees.

Dated: June 28, 2017

Respectfully Submitted,

MICHAEL J. STUMP, ESQ. (193542)
Borton Petrini, LLP

/s/ Michael J. Stump
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PROOF OF SERVICE (Code Civ. Proc., § 1013a)

STATE OF CALIFORNIA, COUNTY OF KERN

I am employed in the County of Kern, State of California. I am over the age of 18 and not a party to the within action; my business address is Borton Petrini, LLP, 5060 California Avenue, Suite 700, Bakersfield, CA 93309.

On **June 28, 2017**, I served the foregoing document described as **APPELLANT'S MOTION TO VOLUNTARILY DISMISS APPEAL** on the other parties in this action by way of the CM/ECF System:

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BY ELECTRONIC SERVICE: By means of the CM/ECF System



STATE: I declare under penalty of perjury that the above is true and correct.

Executed on **June 28, 2017**, at Bakersfield, California.

Michael J. Stump

Type or Print Name

/s/Michael J. Stump

Signature